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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,084	09/21/2000	Keizaburo Sasaki	15689.58	9022
22913	7590	11/01/2006	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			BLOUNT, STEVEN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,084

Applicant(s)

SASAKI ET AL.

Examiner

Steven Blount

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-104 is/are pending in the application.
- 4a) Of the above claim(s) 65-86 and 98-104 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 89-97 is/are allowed.
- 6) ☒ Claim(s) 87-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/5/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 87 – 88 are rejected under 35 U.S.C. 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which the applicant regards as their invention.

In claim 87, line 8, “or a frame configuration flag-deleted from a PPP frame configuration” is indefinite, as is “and being not octet-inserted and not bit-inserted”. With regard to the former, the language is indefinite; with regard to the latter, it is not possible to tell if the “and” is associated with the portion following the word “or” or the portion preceding it (it appears to be associated with either one, although it is hard to tell).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 87 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,978,386 to Hamalainen et al in view of U.S. patent 6,636,505 to Wang et al.

Hamalainen et al teaches, in a PPP configuration, removing *stuffing* bytes in col 4 lines 13+ and 19+, and also flag addition means is mentioned in col 7 lines 19+; and see col 6 lines 60 – 66 (flag removal) and col lines 4+ (flag “returned”, ie, (re) insertion);

Information (flag) for identifying a frame partition is mentioned in col 7 lines 14 and 17; and see also col 3 lines 57+ (control fields); removing the octets (stuffing bytes) is mentioned above.

Hamalainen does not, however, teach a means for identifying a PPP frame in a lower layer than PPP itself.

Wang et al teaches identifying the presence of a PPP frame in a layer lower than PPP. See col 17 lines 25+, and also figure 13, esp. the Ethernet Mac area.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have, in Hamalainen et al, designated the presence of a PPP frame in a layer lower than the PPP layer itself, in light of the teachings of Wang et al, in order to provide a means for rapidly providing the communication system with information regarding the type of frames which are transmitting the data.

4. Claims 89 – 97 are allowed.

Response to Arguments

5. The examiner notes applicants remark that Wang does not disclose “identifying one PPP frame of first data (data being not octet-inserted and not bit-inserted) in a lower layer than PPP”.

The examiner notes that in view of the 112 second paragraph rejection, it is difficult to determine if the identifying means identifies that the frame is “not octet-inserted and not

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bit-inserted", or simply that the frame is a PPP frame. The examiner invites the applicant to discuss and hopefully clarify this situation with him, as it is believed to be likely that resolving the 112 rejection will also resolve the 103 rejection, as it appears that the applicant meant to say that the system determines that the identifying means both detects the presence of PPP as well as the fact that the data is not octet inserted and not bit inserted. If so, then this would define over the applied references, as Wang merely announces the presence of PPP in the payload, and does not provide data for determining whether the data is octet or bit inserted. Moving the portion following the "and" into line 3 of the claim, with suitable modification may resolve the issue.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 703-305-0319. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571 - 272 - 7269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB 10/24/06



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